

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

LUISA OJEDA, *et al.*, )  
Plaintiffs, )  
v. ) No. 3:14-CV-575-PLR-HBG  
EL JIMADOR, INC., *et al.*, )  
Defendants. )

**MEMORANDUM AND ORDER**

This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, and Standing Order 13-02.

Now before the Court is a Motion to be Relieved as Counsel for Plaintiffs Ojeda and Morales [Doc. 38], filed by Attorney James Monroe Scurlock. In his motion, Mr. Scurlock states that a conflict of interest has arisen in his representation of these two plaintiffs. Mr. Scurlock represents that he has spoken with Ms. Ojeda about his need to withdraw as counsel and that he has tried to speak with Mr. Morales about the issue.

The parties appeared before the Court on September 17, 2015. Mr. Scurlock was present representing Plaintiffs, and Attorney Al Holifield was present representing the Defendants. Ms. Ojeda and Mr. Morales were also present in the courtroom. Mr. Scurlock reiterated the statements contained in his motion. The Court afforded Ms. Ojeda and Mr. Morales an opportunity to be heard on the issue, and both Ms. Ojeda and Mr. Morales indicated that they did not intend to oppose Mr. Scurlock's request to withdraw as counsel. The Court advised Ms. Ojeda and Mr. Morales that the Court would grant the motion, and thereafter, Mr. Scurlock

would no longer be their attorney. The Court advised Ms. Ojeda and Mr. Morales that they would receive a written copy of the Court's decision and that they would have to proceed in this matter *pro se* if and until they hired an attorney to represent them.

The Court finds first that the Motion to be Relieved as Counsel for Plaintiffs Ojeda and Morales [Doc. 38] complies with Rule 83.4 of the Local Rules of the Eastern District of Tennessee, and therefore, it is **GRANTED**. The Court expects that Mr. Scurlock will provide copies of any relevant documents to any future counsel for Ms. Ojeda and Mr. Morales or to Ms. Ojeda and Mr. Morales themselves, upon request. Otherwise, Mr. Scurlock is **RELIEVED** of his duties as counsel to Ms. Ojeda and Mr. Morales.

Ms. Ojeda and Mr. Morales are hereby **ADMONISHED** that they are **DEEMED** to be proceeding *pro se*. Until they obtain substitute counsel, it is their obligation to stay up to date on the status of this case and comply with the deadlines set by the Court. Likewise, if they elect to proceed in this case without an attorney, Ms. Ojeda and Mr. Morales are responsible for complying with all deadlines set by the Court and responding to any requests for relief by other parties, see E.D. Tenn. L.R. 7.1. Ms. Ojeda and Mr. Morales, like any other party, will be expected to comply with the Federal Rules of Civil Procedure, the Local Rules, and the Court's Orders. Ms. Ojeda and Mr. Morales have both filed Motions to Dismiss [Docs. 36, 37], which will be addressed by the District Judge in due course. Because they are proceeding *pro se*, Ms. Ojeda and Mr. Morales are responsible for litigating these motions, as may be appropriate.

The Clerk of Court is **DIRECTED** to mail a copy of this Memorandum and Order, along with the Scheduling Order, to Ms. Ojeda and Mr. Morales at the addresses provided by counsel, [Doc. 42], and to enter those addresses in the docket.

**IT IS SO ORDERED.**

ENTER:

Bruce Gant  
United States Magistrate Judge